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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JANE R EVANS,

No. C 08-00776 WHA

9 Plaintiff,

10 v.

**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

11 BAKER PLACES INC,

12 Defendant.
13 _____/

14 The Court is in receipt of plaintiff's request for appointment of counsel in this
15 employment discrimination action brought pursuant to Title VII of the Civil Rights Act of 1964.
16 Because plaintiff is not an indigent litigant who may lose her physical liberty if she loses the
17 litigation, there is no right to appointment of counsel in this case, *see Lassiter v. Dep't of Social*
18 *Services*, 452 U.S. 18, 25 (1981), nor are funds available to compensate appointed counsel.

19 In employment actions brought under Title VII of the Civil Rights Act of 1964,
20 42 U.S.C. § 2000e, pro bono counsel may be appointed “[u]pon application by the complainant
21 and in such circumstances as the court may deem just.” 42 U.S.C. § 2000e-5(f)(1)(B). The
22 court must assess three factors under this section: “(1) the plaintiff's financial resources, (2) the
23 efforts made by the plaintiff to secure counsel, and (3) whether the plaintiff's claim has merit.”
24 *Bradshaw v. Zoological Soc. of San Diego*, 662 F.2d 1301, 1318 (9th Cir. 1981) (citations
25 omitted).

26 In this district, if the court finds that the plaintiff meets the above-stated criteria, the
27 court may refer the plaintiff's case to the Federal Pro Bono Project, which will attempt to locate
28 a volunteer attorney to represent the plaintiff. The Federal Pro Bono Project will attempt to

1 secure representation only for indigent Title VII plaintiffs or indigent incarcerated plaintiffs
2 bringing civil rights actions.

3 Although plaintiff has made a showing of lack of financial resources, she has not
4 demonstrated substantial efforts to secure counsel. For this reason alone, the court will not refer
5 the case to the Federal Pro Bono Project at this time. Accordingly, plaintiff's request is
6 **DENIED** without prejudice.

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8 **IT IS SO ORDERED.**

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10 Dated: March 6, 2008.



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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JANE R. EVANS,

Plaintiff,

v.

BAKER PLACES INC et al,

Defendant.

Case Number: CV08-00776 WHA


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jane Rocio Evans
PO Box 424886
San Francisco, CA 94142

Dated: March 7, 2008


Richard W. Wieking, Clerk
By: R.B. Espinosa, Deputy Clerk